

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Michael D. Laufer

Application No.: 10/810,276

Confirmation No.: 8525

Filed: March 26, 2004

Art Unit: 3769

For: METHOD OF TREATING AIRWAYS IN THE
LUNG

Examiner: D. M. Shay

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

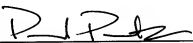
Sir/Madam:

In response to the Notification of Non-Compliant Appeal Brief mailed December 24, 2009, Applicant respectfully resubmits the Claims Appendix.

If any fee is due for consideration of this paper, please charge our Deposit Account No. 50-0665, under Order No. 649218008US, from which the undersigned is authorized to draw.

Dated: 25 Jan. 2012

Respectfully submitted,

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CLAIMS APPENDIX

Claims Involved in the Appeal of Application Serial No. 10/810,276

1. (Previously presented) A method of treating asthma, comprising:
selecting an airway for treatment, wherein the airway has hypertrophied airway smooth muscle;
irradiating a length of the airway with a light source having a wavelength of about 240 nm to about 280 nm and an intensity which causes a change in the airway such that a thickness of the airway smooth muscle decreases and bronchoconstriction of the airway is reduced.
2. (Previously presented) The method of claim 1, where the change in the airway occurs in smooth muscle cells.
3. (Previously presented) The method of claim 1, where the change in the airway occurs in mucus gland cells.
4. (Canceled)
5. (Canceled)
6. (Canceled)
7. (Original) The method of claim 1, further comprising moving the light source along the airway.
8. (Canceled)

9. (Previously presented) The method of claim 1, where irradiating the length of the airway further comprises preventing airway cells from replicating.

10. (Previously presented) The method of controlling mucus within a lung, comprising:

selecting an airway for treatment;

irradiating a length of the airway with a light source having a wavelength of about 240 nm to about 280 nm and an intensity which causes a change in airway mucus gland cells such that mucus secretions of the airway are reduced.

11. (Canceled)

12. (Canceled)

13. (Canceled)

14. (Canceled)

15. (Original) The method of claim 10, further comprising moving the light source along the airway.